IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 26601 of 2007(P)

PETITIONER:

P.M.RENJAN,STATION MASTER GRADE II,
STATE WATER TRANSPORT DEPARTMENT,
REGIONAL OFFICE,ERNAKULAM.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT,
TRANSPORT (D) DEPARTMENT,GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR,
STATE WATER TRANSPORT DEPARTMENT,
ALAPPUZHA.

3. SHRI JOSEPH XAVIER,
STATION MASTER GRADE I,
STATE WATER TRANSPORT DEPARTMENT,
ALAPPUZHA.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P.(C) NO.26601 of 2007

Dated this the 6th day of September, 2007

JUDGMENT

The petitioner is working as a Station Master Grade II in the State Water Transport Department. He aspires for promotion to the post of Station Master Grade I and thereafter to the post of Traffic Superintendent. The ratio for promotion to the post of Station Master Grade I, from among Station Masters Grade II is 1:5. According to the petitioner, the Pay Commission report of November 2006 suggested that the ratio must be changed to 1:4.

2. The third respondent is currently working as Station Master Grade I and admittedly he is senior to the petitioner. Apparently, he was earlier sent back to the post of UD Clerk, from where he was appointed as Station Master Grade I pursuant to disciplinary proceedings as per Ext.P2 order. Ext.P2 further states that it was decided that the third respondent would be barred from a posting as Station Master Grade I in future. However, this disability was removed under Ext.P3 order and it is admitted case that the third respondent was later promoted as Station Master Grade I in which post he is continuing now. On a request made by the petitioner, that he may be promoted as Station Master Grade I, he was met with Exts.P5 and P7, wherein it is stated that his case will be considered in the next arising vacancy. Respondents, as per Ext.P5, stated that though the petitioner is

eligible to be promoted as Station Master Grade I applying the ratio 1:4, the change in the ratio is pending approval from the Government and it is only after receipt of the approval from the Government that further steps can be taken in this regard. Same is the reply contained in Ext.P7 wherein it is stated that the total number of Station Masters in the Department is `24' that the strength of Station Master Grade II, at present, is `20' that of Grade I is `4'. If ratio 1:4 is to be maintained, another post will have to be sanctioned.

3. According to the petitioner, the said view taken in Ext.P7 is incorrect. He contends that once the pay revision order recommends the change in the ratio from 1:5 to 1:4, the strength of Station Master Grade I must be treated as `5' taking note of the admitted strength of Station Master Grade II as `20'. I am unable to accept this contention. According to me, it is only on order being passed by the Government that the strength of the Station Master Grade I will become final. At any rate, it is not necessary to finally pronounce on the issue at this stage.

4. The real grievance on the part of the petitioner seems to be that the third respondent who was originally debarred from being posted as a Station Master Grade I was later promoted to the said post, that he is currently occupying the said post and that he might be considered for promotion to the post of Traffic Superintendent which is likely to arise in near future. I am of the view that the question of promotion to the post of Traffic Superintendent will have to be addressed by the appropriate authority as and when the vacancy arises. There is no reason to interdict the consideration of any

person who might be eligible to be considered for promotion to the post of Traffic Superintendent, at this stage, before the vacancy has arisen and before promotions are actually effected. If the promotion is in any manner illegal, the aggrieved persons have a remedy at that stage.

5. In so far as the petitioner's claim for promotion to the post of Station Master Grade I, the respondents have admitted that he is eligible to be promoted in next arising vacancy. No further direction is required in this regard.

The writ petition is disposed of with the above observations.

V.GIRI, JUDGE

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